

FILED FEB 08 10:45AM ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JP MORGAN CHASE BANK,
Plaintiff,

PK
No. CV 06-1060-MO

v.

DENNIS-LANE: WORTHEN aka
DENNIS WORTHEN, and ALL OCCUPANTS

Defendants.

MOSMAN, J.,

On January 3, 2007, Magistrate Judge Papak issued Findings and Recommendation ("F&R") (#20) in the above-captioned case recommending that it be remanded to state court for lack of jurisdiction. Objections have been filed.

In conducting my review of the F&R, I apply the following standard. The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is

made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, the court is free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

After reviewing the F&R, the parties' objections and responses, and other relevant materials, the F&R is ADOPTED without modification. Accordingly, this case is remanded to Multnomah County Circuit Court and any pending motions, including plaintiff's motion for order of remand (#6) and defendants' application to proceed *in forma pauperis* (#1), are DENIED as moot.

IT IS SO ORDERED.

DATED this 25th day of January, 2007.


MICHAEL W. MOSMAN
United States District Court